MILES
SAND & GRAVEL COMPANY
400 VALLEY AVE NE • PUYALLUP, WA 98372-2516
www.MilesSandandGravel.com • (253) 833-3705
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October 23, 2015

Bill Moore and Carrie Graul
Washington State Department of Ecology
Sand and Gravel General Permit
P.O. Box 47600
Olympia, Washington 98504-7600

RE: Formal Draft Sand and Gravel Draft General Permit Comments for October 23, 2015

Dear Bill and Carrie:

On behalf of Miles Sand & Gravel Company, I would first like to address the frustration in the Sand and Gravel General Permit renewal thus far. We were originally told this permit renewal would be a minor update to the current permit. Clearly this is no longer the case. We have reviewed and provided feedback on the preliminary formal draft and now the formal draft. It is disheartening to see the Washington State Department of Ecology (DOE) has made no substantive changes to the formal Sand and Gravel Draft Permit. The decisions made by DOE will have a very real economic impact to the sand and gravel industry and little, if any, impact to water quality.

My comments to the formal draft of the Sand and Gravel General Permit are as follows:

(S2) Asphalt Plant Process Water Discharge

The restriction of not allowing any asphalt process water discharges of any kind is confusing. The 2011 permit fact sheet addresses this: "Although operators may add minor quantities of water to the collected dry material to make it more manageable, there is no discharge of process water from these systems". DOE understands there is not process water from dust collections systems. The limit of asphalt process water is speaking to the water from a wet scrubber for dust control. We suggest you remove restrictions to discharge asphalt process water to surface and groundwater discharges.

(S12 B) Portable Facilities

DOE is overstepping their authority to require areas where portable concrete plant operations be reclaimed before the portable plant can be permitted at another location. The location of a portable batch plant is often in association with a construction related permit (such as site grading or building). In these instances, the portable plant

operators are often not in charge or responsible for site remediation. These requirements are typically the responsibility of the general contractor for the project. Any reference to site remediation, vegetation, or stabilization should be removed from subsection B2 and 3C.

(G7) Engineered Treatment Systems

The use of acid or CO_2 to treat alkaline water is a basic system. These types of systems have been used for many years with no issues. The requirement to have an engineered system is obtuse. The systems currently in place are effective and this is reflected by the near perfect compliance rate. We suggest removing the requirements for an engineered design for pH adjustment water treatment system.

(S8 F)Concrete BMP's

We have been recycling concrete for years and have had no measureable impact to water quality. The BMP's implemented are being pushed using violations. Violations and science are two very different things. In this instance best available science should be used to determine what, if any, impact concrete recycling has on ground water to require these extensive and expensive BMPs. The arbitrary numbers used in the BMP's have no scientific support. This section should be removed from the permit.

(General) Compliance

The compliance of the Sand and Gravel General Permit holders is outstanding. The statistics provided by Carrie Graul on pH compliance shows there is a 98.7% compliance for all 937 permits. Of the 26 total violations, 13 are for violations under the 6.5 pH limit. The low pH violations are indicative of a problem in the treatment system. Excluding the 13 low pH violations, there is a compliance rate of 99.4%. Using the compliance rate to push unneeded changes to the permit is unreasonable.

(General) Addition of DOE Specific Activity Codes

The use of NAICS codes makes perfect sense for the activity codes for the Sand and Gravel General Permit. The intent of the codes is to separate different activities "to allow for a high level of comparability in business statistics among the North American countries". The national boards who determines the NAICS codes and their associated activities saw these activates too insignificant to create a NAICS code for asphalt and concrete recycle separate from any others. In the 2011 Sand and Gravel General Permit fact sheet, DOE mentions "Facilities that recycle concrete and asphalt typically already conduct one or more of the activities described above". The above mentioned activities are those listed in the current permit. We suggest DOE maintain the use of the current NAICS codes for site activates.

(General) Best Available Science

This portion of the new permit is the most concerning to permit holders. DOE is required to use the best available science to make the policies that support the creation and implementation of rules. What qualifies for best available science is not defined in any way for DOE. It is inappropriate for DOE to use information that is not peer reviewed or formally published. Using a slideshow obtained from the internet should not guide policies for 937 permit holders. We suggest DOE defines the requirements of best available science for the water quality division, before implementation of this permit.

(General) Economic Impact Analysis (EIA)

The EIA completed for this permit renewal grossly underestimates the cost of compliance. The cost of labor alone was less than half the actual cost ($20.32/hour vs approximately $52/hour). The EIA does not include the cost of healthcare, L & I insurance, FICA, and retirement contributions. In addition, the rate for equipment is extremely low ($29/ hour for a loader when the actual cost is between $52 and $137/hour). If implemented as currently drafted, the Miles group of companies would see a huge increase in permit compliance costs. All told, we estimate the actual annual costs associated with this permit would increase our expenses in excess of $1 million dollars (based on DOE figures) . Using the more accurate costs we've noted above, we would expect the increase to be closer to $2 million dollars annually. Using the EIA from the 1994 permit, our current costs would be approximately $900,000 (corrected for inflation). The accuracy of this EIA is very questionable and needs to be revised to reflect the impact these permit revisions will have.

Thank you for providing us with the opportunity to comment. We are optimistic that DOE will consider our comments worthy of further discussion prior to finalizing any updates to the Sand and Gravel General Permit.

Sincerely,

Ryan Ransavage
Miles Sand & Gravel Company